

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1741 be amended to read as follows:

- 1 Page 1, delete lines 1 through 9.
- 2 Page 1, strike lines 13 through 17.
- 3 Page 2, strike lines 1 through 11.
- 4 Page 2, line 12, strike "firework" means a small firework that is" and
- 5 insert **"fireworks" means consumer fireworks as defined in APA**
- 6 **87-1, Standard for Construction and Approval for Transportation**
- 7 **of Fireworks, Novelties, and Theatrical Pyrotechnics, and included**
- 8 **under NFPA 1124, Code for the Manufacture, Transportation,**
- 9 **Storage, and Retail Sales of Fireworks and Pyrotechnic Articles,**
- 10 **2003 Edition, published by the National Fire Protection**
- 11 **Association, 1 Batterymarch Park, PO Box 9101, Quincy,**
- 12 **Massachusetts 02269.**
- 13 **"Display fireworks" means display fireworks as defined in APA**
- 14 **87-1, Standard for Construction and Approval for Transportation**
- 15 **of Fireworks, Novelties, and Theatrical Pyrotechnics, and included**
- 16 **under NFPA 1124, Code for the Manufacture, Transportation,**
- 17 **Storage, and Retail Sales of Fireworks and Pyrotechnic Articles,**
- 18 **2003 Edition, published by the National Fire Protection**
- 19 **Association, 1 Batterymarch Park, PO Box 9101, Quincy,**
- 20 **Massachusetts 02269."**
- 21 Page 2, strike lines 13 through 22.
- 22 Page 2, line 23, strike "to produce an audible effect."
- 23 Page 2, line 23, delete "Consumer".
- 24 Page 2, line 23, strike "fireworks:".
- 25 Page 2, strike lines 24 through 42.

- 1 Page 3, strike lines 1 through 14.
- 2 Page 3, line 15, strike ""Dipped stick" or "wire sparkler" means a".
- 3 Page 3, line 15, delete "consumer".
- 4 Page 3, strike lines 16 through 18.
- 5 Page 3, line 19, strike "item".
- 6 Page 3, line 19, strike "devices containing chlorate or perchlorate
- 7 salts do not".
- 8 Page 3, strike lines 20 through 22.
- 9 Page 3, line 23, delete "consumer".
- 10 Page 3, line 23, strike "fireworks.".
- 11 Page 3, strike lines 26 through 34.
- 12 Page 3, line 35, strike "deflagration, or detonation. Fireworks consist
- 13 of"
- 14 Page 3, line 35, delete "consumer".
- 15 Page 3, strike lines 36 through 42.
- 16 Page 4, strike lines 1 through 5.
- 17 Page 4, delete lines 6 through 7, begin a new paragraph and insert:
- 18 **""Fireworks" means consumer and display fireworks as defined**
- 19 **in APA 87-1, Standard for Construction and Approval for**
- 20 **Transportation of Fireworks, Novelties, and Theatrical**
- 21 **Pyrotechnics, and included under NFPA 1124, Code for the**
- 22 **Manufacture, Transportation, Storage, and Retail Sales of**
- 23 **Fireworks and Pyrotechnic Articles, 2003 Edition, published by the**
- 24 **National Fire Protection Association, 1 Batterymarch Park, PO**
- 25 **Box 9101, Quincy, Massachusetts 02269.".**
- 26 Page 4, strike lines 8 through 27.
- 27 Page 4, between lines 39 and 40, begin a new paragraph and insert:
- 28 **""Novelties" means novelties as defined in APA 87-1, Standard**
- 29 **for Construction and Approval for Transportation of Fireworks,**
- 30 **Novelties, and Theatrical Pyrotechnics, and included under NFPA**
- 31 **1124, Code for the Manufacture, Transportation, Storage, and**
- 32 **Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition,**
- 33 **published by the National Fire Protection Association, 1**
- 34 **Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269.".**
- 35 Page 4, strike lines 40 through 42.
- 36 Page 5, strike lines 1 through 13.
- 37 Page 5, strike lines 16 through 19.
- 38 Page 5, delete lines 20 through 21.
- 39 Page 5, strike lines 22 through 23.
- 40 Page 5, strike lines 26 through 32.
- 41 Page 5, line 33, strike "consists of a tube that".
- 42 Page 5, line 34, strike "contains".
- 43 Page 5, strike line 35.
- 44 Page 5, line 36, strike "(2) contains a".
- 45 Page 5, line 36, strike "stick for guidance and stability; and".
- 46 Page 5, strike lines 37 through 42.
- 47 Page 6, strike lines 1 through 6.

- 1 Page 6, delete lines 7 through 8.
- 2 Page 6, strike lines 9 through 13.
- 3 Page 6, line 14, strike "display items that exceed the limits for
- 4 classifications".
- 5 Page 6, line 15, delete "consumer".
- 6 Page 6, line 15, strike "fireworks.".
- 7 Page 6, strike lines 16 through 27.
- 8 Page 6, line 28, delete ":".
- 9 Page 6, line 29, delete "(1)".
- 10 Page 6, line 29, delete ";" and insert ".".
- 11 Page 6, run in lines 28 through 29.
- 12 Page 6, delete lines 30 through 42.
- 13 Delete page 7.
- 14 Page 8, delete lines 1 through 7.
- 15 Page 8, line 11, strike "resident".
- 16 Page 8, line 12, delete ":".
- 17 Page 8, line 13, strike "(A)".
- 18 Page 8, line 13, delete ":" and insert ";".
- 19 Page 8, strike lines 14 through 15.
- 20 Page 8, line 16, strike "sale;".
- 21 Page 8, line 16, delete "or".
- 22 Page 8, delete lines 17 through 18.
- 23 Page 8, strike line 25.
- 24 Page 8, line 26, strike "between".
- 25 Page 8, line 26, strike "wholesalers;".
- 26 Page 8, line 27, strike "(5)" and insert "(4)".
- 27 Page 8, line 28, delete "special".
- 28 Page 8, line 30, delete "special".
- 29 Page 8, line 31, delete "Explosives," and insert "**Explosives**".
- 30 Page 8, line 33, strike "(6)" and insert "(5)".
- 31 Page 8, strike lines 35 through 37.
- 32 Page 8, line 38, strike "(2) possesses for resale".
- 33 Page 8, line 38, delete "consumer".
- 34 Page 8, line 38, strike "fireworks;".
- 35 Page 8, line 40, strike "(3) is engaged in the".
- 36 Page 8, line 40, strike "sale of".
- 37 Page 8, line 40, delete "consumer".
- 38 Page 8, line 41, strike "fireworks described in subdivision (2) as".
- 39 Page 8, line 41, delete "a".
- 40 Page 8, line 41, strike "part of a".
- 41 Page 8, line 42, strike "business that is located in a permanent
- 42 structure".
- 43 Page 9, line 1, delete "or structures that:"
- 44 Page 9, delete lines 2 through 42.
- 45 Page 10, delete line 1.
- 46 Page 10, line 6, delete "(4)".
- 47 Page 10, line 6, strike "has".

- 1 Page 10, line 6, delete "legal".
- 2 Page 10, line 6, strike "possession of a certificate of compliance
- 3 issued".
- 4 Page 10, line 7, strike "by the state fire marshal under section".
- 5 Page 10, line 7, delete "5(b)".
- 6 Page 10, line 7, strike "of this chapter."
- 7 Page 10, line 17, strike "fireworks, novelties, and trick noisemakers"
- 8 and insert "**fireworks and novelties**".
- 9 Page 10, line 19, strike "fireworks, novelties, and trick noisemakers"
- 10 and insert "**fireworks and novelties**".
- 11 Page 10, line 25, strike "one" and insert "**five**".
- 12 Page 10, line 25, strike "\$1,000" and insert "**(\$5,000)**".
- 13 Page 10, line 25, delete "for".
- 14 Page 10, delete lines 26 through 29.
- 15 Page 11, line 9, strike "fireworks, novelties, and trick noisemakers"
- 16 and insert "**fireworks and novelties**".
- 17 Page 11, line 16, strike "fireworks, novelties, or trick" and insert
- 18 "**fireworks and novelties**".
- 19 Page 11, line 17, strike "noisemakers".
- 20 Page 11, line 27, delete "At the time of sale, a seller of consumer
- 21 fireworks may not" and insert "**A person may only use consumer**
- 22 **fireworks from:**
- 23 **(1) June 15 through July 15 of a year; and**
- 24 **(2) December 15 of a year through January 15 of the following**
- 25 **year.**
- 26 **(h) Fireworks may not be sold at retail from trucks, vans, or**
- 27 **automobiles."**
- 28 Page 11, delete lines 28 through 36.
- 29 Page 11, line 38, delete "(a)".
- 30 Page 11, line 39, after "5(g)," insert "**5(h),**".
- 31 Page 11, line 39, strike "7,".
- 32 Page 11, delete lines 41 through 42.
- 33 Page 12, delete lines 1 through 5, begin a new paragraph and insert:
- 34 "SECTION 5. IC 22-11-14-8 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** A person
- 36 ~~shall not sell at retail or offer selling or offering consumer fireworks~~
- 37 ~~for sale at retail any fireworks novelties, or trick noisemakers other than~~
- 38 ~~the following:~~
- 39 ~~(1) Dipped sticks or wire sparklers. However, total pyrotechnic~~
- 40 ~~composition may not exceed one hundred (100) grams per item.~~
- 41 ~~Devices containing chlorate or perchlorate salts may not exceed~~
- 42 ~~five (5) grams in total composition per item.~~
- 43 ~~(2) Cylindrical fountains.~~
- 44 ~~(3) Cone fountains.~~
- 45 ~~(4) Illuminating torches.~~
- 46 ~~(5) Wheels.~~
- 47 ~~(6) Ground spinners.~~

- 1       ~~(7) Flitter sparklers.~~
- 2       ~~(8) Snakes or glow worms.~~
- 3       ~~(9) Smoke devices.~~
- 4       ~~(10) Trick noisemakers, which include:~~
- 5           ~~(A) Party poppers.~~
- 6           ~~(B) Booby traps.~~
- 7           ~~(C) Snappers.~~
- 8           ~~(D) Trick matches.~~
- 9           ~~(E) Cigarette loads.~~
- 10          ~~(F) Auto burglar alarms.~~

11       **shall comply with the safety requirements and all other**  
 12       **requirements of retail sales of consumer fireworks as provided in**  
 13       **Chapter 7 of NFPA 1124, Code for the Manufacture,**  
 14       **Transportation, Storage, and Retail Sales of Fireworks and**  
 15       **Pyrotechnic Articles, 2003 Edition, published by the National Fire**  
 16       **Protection Association, 1 Batterymarch Park, PO Box 9101,**  
 17       **Quincy, Massachusetts 02269, unless the building or structure in**  
 18       **which the sales take place was in existence prior to May 1, 2003.**

19       **(b) Nothing in this chapter shall be construed to prohibit a**  
 20       **person from selling at retail, or offering for sale at retail, consumer**  
 21       **fireworks at locations not prohibited by this chapter."**

22       Page 12, delete lines 6 through 30.

23       Page 12, line 35, delete ":".

24       Page 12, line 36, delete "(1)".

25       Page 12, run in lines 35 through 36.

26       Page 12, line 37, delete "; and" and insert ".".

27       Page 12, delete line 38.

28       Page 13, between lines 22 and 23, begin a new paragraph and insert:

29       "SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 30       UPON PASSAGE]: IC 22-11-14-7; IC 22-11-14-10."

31       Renumber all SECTIONS consecutively.

(Reference is to HB 1741 as printed February 15, 2005.)

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Representative Crooks